

ADMITTED IN VIRGINIA, MARYLAND,  
DISTRICT OF COLUMBIA AND NEW YORK

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August 10, 2018

**BY E-MAIL AND MAIL**

Christopher B. Greene, Esq.  
Kaplan & Company, LLP  
350 Fifth Avenue  
Suite 7110  
New York, New York 10118

Re: *Sines, et al. vs. Kessler, et al.*

Dear Mr. Greene:

I have reviewed Plaintiffs' Responses and Objections to Defendant Richard Spencer's First Request for Production of Documents to All Plaintiffs (hereinafter "Responses"), which you served by e-mail on July 23, 2018.

I write to address various issues.

1. The Responses were served only by e-mail and were served on my paralegal, not me.

In the future, please also mail me a "hard copy" of any pleading or discovery-related document and serve the pleading or document on me.

2. The Responses were made on behalf of all of the plaintiffs collectively; no plaintiff filed his or her own response.

In his First Request for Production of Documents to All Plaintiffs (hereinafter the "Request"), my client asked for each plaintiff "to serve a separate written response"<sup>1</sup> and he is entitled to a separate written response from each plaintiff.

3. None of your clients produced any documents or things in response to the Request.

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<sup>1</sup> Instruction and Definition No. 1.



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Instead, your clients merely indicate that they will produce documents. They do not say when they will produce documents or where they will produce documents.<sup>2</sup>

My client is entitled to prompt production of all responsive documents in your clients' possession, custody or control, subject to your clients' objections.<sup>3</sup> He is not obligated to wait for production.<sup>4</sup>

By my calculation, the discovery cut-off in this case is February 8, 2019 -- six (6) months from now. Any delay in production prejudices my client.

Please let me know when your clients intend to serve separate responses and to produce responsive documents.

Very truly yours,



John A. DiNucci

cc: Mr. Spencer (by e-mail only)  
David L. Campbell, Esq. (by e-mail only)  
Bryan Jones, Esq. (by e-mail only)  
James E. Kolenich, Esq. (by e-mail only)  
Elmer Woodard, Esq. (by e-mail only)

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<sup>2</sup> The most they indicate with respect to time is that they "will produce documents on a rolling basis ..." See Responses at General Response and Objection No. 21 (p. 66).

<sup>3</sup> I will address the objections at such time as I receive a document production. At the moment, I do not know what documents your clients will forgo producing based on their objections.

<sup>4</sup> Please also note that it is my position that my client is entitled to production of documents and things in some medium other than a "drop-box."